IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3660 of 2007()

CRIME NO.116/2007 OF FEROKE POLICE STATION

PETITIONERS/ACCUSED:

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1. FIROZKHAN,
   OLIPPILPARA HOUSE, PERUMUGHAM,
   RAMANATTUKARA, KOZHIKODE.

2. ABOOBACKER,
   OLIPPILPARA HOUSE, PERUMUGHAM,
   RAMANATTUKARA, KOZHIKODE.

3. KHADEEJA,
   OLIPPILPARA HOUSE, PERUMUGHAM,
   RAMANATTUKARA, KOZHIKODE.

4. RASHNA,
   OLIPPILPARA HOUSE, PERUMUGHAM,
   RAMANATTUKARA, KOZHIKODE.

5. SOPHIYA MARIYAM,
   OLIPPILPARA HOUSE, PERUMUGHAM,
   RAMANATTUKARA, KOZHIKODE.

6. HABEEBA,
   OLIPPILPARA HOUSE, PERUMUGHAM,
   RAMANATTUKARA, KOZHIKODE.

BY ADV. SRI.B.V.JOY SANKER

RESPONDENTS:

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1. STATE OF KERALA,
   REPRESENTED BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
   FEROKE POLICE STATION, FEROKE, KOZHIKODE DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3660 of 2007

Dated this the 18th day of June 2007

O R D E R

Application for anticipatory bail. Altogether there are six petitioners. Accused/petitioners 5 and 6 have already been deleted from the array of parties, submits the learned Public Prosecutor. Therefore, the application need be considered in so far as it relates to petitioners 1 to 4 only. They are husband, father-in-law, mother-in-law and sister-in-law respectively of the defacto complainant. The marriage took place on 26/2/2006. The parties were before the police station on 25/4/2006. The wife alleged that the husband did not relish her going back to her house and did allegedly assault her. That is the crux of the allegation. Admittedly, there is no serious injury suffered by the wife. The learned counsel for the petitioners submits that the young wife has raised fanciful and false allegations merely because of the strain in the newly commenced marital relationship. At any rate, the petitioners may not be forced to suffer the trauma of arrest and incarceration. They are prepared

to abide by any reasonable condition, submits the learned counsel for the petitioner.

2. The learned Public Prosecutor fairly, I reckon, concedes that directions under Section 438 Cr.P.C can be issued in favour of petitioners 1 to 4 subject to appropriate conditions. I reckon that it is a reasonable stand as I apprehend that the arrest and incarceration of the petitioners is likely to mar the marital tie beyond repair at this early stage of marriage. Appropriate conditions can, of course, be imposed.

3. In the result,

(i) This petition is dismissed in so far as it relates to petitioners 5 and 6 as their apprehension of arrest is found to be without any basis. It is allowed in part in so far as petitioners 1 to 4 are concerned.

(ii) Petitioners 1 to 4 shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 25/6/2007. They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 1 p.m on 26/6/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon until further orders.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 25/6/2007, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 25/6/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007